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5 Attorneys Specially Appearing for Defendant
BRAD WEEKLY

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA

9 TONIC WEAR, INC., a California corporation,

10 Plaintiff,

11 v.

12 RLI INSURANCE COMPANY, an Illinois
corporation; BRAD WEEKLY, an Oregon
13 resident,

14 Defendant.
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Case No. 05-CV-3484 EDL

STIPULATION AND [~~PROPOSED~~] ORDER
RE BRIEFING SCHEDULE ON BRAD
WEEKLY MOTION TO DISMISS

18 WHEREAS, defendant BRAD WEEKLY (hereinafter "WEEKLY") has filed a Motion to
19 Dismiss this action against him pursuant to Federal Rules of Civil Procedure, Rules 12(b)(2) and
20 12(b)(7), said Motion set for hearing on May 23, 2006; and

21 WHEREAS Plaintiff's counsel has a conflict with the May 23 hearing date, and
22 WEEKLY's counsel commences a trial in California State Court on June 5, 2006; and

23 WHEREAS Plaintiff has requested to take a targeted, specifically limited, deposition of
24 Brad Weekly solely on issues bearing on the said Motion, for possible use in presentation to the
25 Court in the briefing in Plaintiff's Opposition on said Motion, and WEEKLY has agreed to such in
26 exchange for conducting a similar, targeted, specifically limited, deposition of Kirk Thornby for
27 possible use in briefing the Reply on the Motion; and

28 WHEREAS Plaintiff's counsel and WEEKLY's counsel seek to take said targeted,

specifically limited, discovery within the next two weeks on dates as mutually agreed, and to have the said Motion heard by the Court on May 30, 2006, and to request the Court to permit a modified briefing schedule to accommodate obtaining transcripts of said limited depositions for presentation with the Opposition and, possibly, Reply briefings on the Motion; accordingly,

PLAINTIFF AND WEEKLY hereby stipulate and agree that, subject to the Court's approval, (1) they will take the said specifically targeted, limited depositions of WEEKLY and of Kirk Thornby within about the next two weeks on dates as mutually agreed; (2) re-set the Motion for hearing from May 23, 2006 to 2:00 p.m. on May 30, 2006, and (3) modify the standard briefing schedule such that Plaintiff's Opposition brief will be e-filed and served by close of business on May 15, and WEEKLY's Reply briefing to be e-filed and served by hand by close of business on May 19, 2006.

PLAINTIFF AND WEEKLY hereby further stipulate and agree that this Stipulation nor participation in the reciprocal limited discovery discussed above shall be construed as WEEKLY's submission to the Court's jurisdiction, which jurisdiction is specifically disputed by WEEKLY.

SO STIPULATED.

DATED: April 25, 2006

HELBRAUN LAW FIRM

/s/

DAVID M. HELBRAUN, ESQ.
Attorneys Specially Appearing for Defendant
BRAD WEEKLY

DATED: April 25, 2006

LINER YANKELEVITZ SUNSHINE &
REGENSTREIF LLP

/s/

GREGORY ALAN RUTCHIK, ESQ.
Attorneys for Plaintiff
TONEC WEAR, INC.

IT IS SO ORDERED.

DATED: April 25, 2006

MAGISTRATE JUDGE ELIZABETH LAPORTE

